

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

HUAWEI TECHNOLOGIES CO. LTD.,

Plaintiff,

v.

**T-MOBILE US, INC. and
T-MOBILE USA, INC.,**

Defendants,

**NOKIA SOLUTIONS AND NETWORKS
US LLC and NOKIA SOLUTIONS AND
NETWORKS OY, and
TELEFONAKTIEBOLAGET LM
ERICSSON, and ERICSSON INC.,**

Intervenors.

Civil Action No. 2:16-cv-0052-JRG-RSP

JURY TRIAL DEMANDED

JOINT MOTION TO AMEND SIXTH AMENDED DOCKET CONTROL ORDER

Plaintiff Huawei Technologies Co. Ltd., Defendants T-Mobile US, Inc. and T-Mobile USA, Inc., and Intervenors Nokia Solutions and Networks US LLC, Nokia Solutions and Networks Oy, Telefonaktiebolaget LM Ericsson, and Ericsson Inc., by and through their undersigned counsel, hereby respectfully move to amend the Sixth Amended Docket Control Order as proposed in the Seventh Amended Docket Control Order hereby submitted.

The changes requested in this motion are to (1) move the deadline to serve disclosures for rebuttal expert witnesses from June 26, 2017 to June 30, 2017 (four days); (2) move the deadline to complete expert discovery from July 12, 2017 to July 17, 2017 (five days); and (3) move the deadline to file dispositive motions or motions to strike expert testimony

(including *Daubert* motions) from July 17, 2017 to July 21, 2017 (four days). All other case deadlines remain unchanged and all parties agree to these requested extensions.

Modifying the deadline for dispositive motions or motions to strike expert testimony (including *Daubert* motions) requires a showing of good cause. The parties hereby submit that good cause exists because expert reports have been delayed by an unforeseen injury to one the parties' experts, and the parties received the Court's claim construction order in the -57 case on June 22. In addition, the parties need to schedule and complete a large number of expert depositions in the next three weeks, which is complicated by the existence of the intervening July Fourth holiday. The parties wish to complete the expert depositions before the deadline for dispositive motions or motions to strike expert testimony.

The extension requested will allow the parties more time to incorporate the Court's order into their respective expert reports, as well as to allow time to challenge the opinions contained in the reports via motions to strike and the sufficiency of the evidence in light of the claim constructions via dispositive motions. Accordingly, the parties respectfully request that the Court grant this jointly requested amendment to the Docket Control Orders.

Dated: June 22, 2017

Respectfully submitted,

/s/ Jane Du

(by E. Glenn Thames, Jr., with permission)

Ruffin Cordell

Texas Bar No. 04820550

cordell@fr.com

Linda Kordziel

DC Bar No. 446386

kordziel@fr.com

FISH & RICHARDSON P.C.

1425 K Street, N.W., 11th Floor

Washington, D.C. 20005

Telephone: (202) 783-5070

Facsimile: (202) 783-2331

Thomas H. Reger II
Texas Bar No. 24032992
reger@fr.com

Carl E. Bruce
Texas Bar No. 24036278
bruce@fr.com

David B. Conrad
Texas Bar No. 24049042
conrad@fr.com

Jane Du
Texas Bar No. 24076355
du@fr.com

FISH & RICHARDSON P.C.
1717 Main Street, Suite 5000
Dallas, TX 75201
Telephone: (214) 747-5070
Facsimile: (214) 747-2091

David Barkan
California Bar No. 160825
barkan@fr.com

Neil Warren
California Bar No. 272770
warren@fr.com

FISH & RICHARDSON P.C.
500 Arguello Street, Suite 500
Redwood City, CA 94063
Telephone: (650) 839-5070
Facsimile: (650) 839-5071

Kevin Su
Massachusetts Bar No. 663726
su@fr.com

FISH & RICHARDSON P.C.
One Marina Park Drive
Boston, MA 02210
Telephone: (617) 542-5070
Facsimile: (617) 542-8906

Counsel for Plaintiff Huawei Technologies Co. Ltd.

/s/ E. Glenn Thames, Jr.

Mark D. Selwyn
(California Bar No. 244180)
Kathryn D. Zalewski
(California Bar No. 263119)
**WILMER CUTLER PICKERING HALE
AND DORR LLP**
950 Page Mill Road
Palo Alto, California 94304
(650) 858-6000

Joseph J. Mueller
(Massachusetts Bar No. 647567)
Cynthia Vreeland
(Texas Bar No. 20625150
Massachusetts Bar No. 635143)
**WILMER CUTLER PICKERING HALE
AND DORR LLP**
60 State Street
Boston, MA 02109
(617) 526-6000

Michael E. Jones
Texas Bar No. 10929400
mikejones@potterminton.com
E. Glenn Thames, Jr.
Texas Bar No. 00785097
glennthames@potterminton.com
POTTER MINTON, PC
110 North College Ave., Suite 500
Tyler, Texas 75702
Tel: 903-597-8311
Fax: 903-593-0846

*Counsel for Defendants T-Mobile US, Inc. and
T-Mobile USA, Inc.*

/s/ John Haynes
(by E. Glenn Thames, Jr., with permission)

John Haynes (GA Bar No. 340599)
Patrick Flinn (GA Bar No. 264540)
Michael C. Deane (GA Bar No. 498195)
Nicholas Tsui (GA Bar No. 982502)

ALSTON & BIRD LLP

1201 W. Peachtree St.
Atlanta, GA 30309-3424
Telephone: (404) 881-7000
Facsimile: (404) 881-7777
Email: Patrick.Flinn@alston.com
Email: John.Haynes@alston.com
Email: Michael.Deane@alston.com
Email: Nick.Tsui@alston.com

Michael J. Newton
(TX Bar No. 24003844)
Derek Neilson
(TX Bar No. 24072255)

ALSTON & BIRD LLP

2800 N. Harwood St., Suite 1800
Dallas, Texas 75201
Telephone: (214) 922-3400
Facsimile: (214) 922-3899
Email: Mike.Newton@alston.com
Email: Derek.Neilson@alston.com

M. Scott Stevens (NC Bar No. 37828)
Ross R. Barton (NC Bar No. 37179)
Linda Chang (NC Bar No. 44290)
Robert Caison (NC Bar No. 46632)
Samuel Merritt (NC Bar No. 47945)
M. Joseph Fernando (NC Bar No. 49199)

ALSTON & BIRD LLP

Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Telephone: (704) 444-1000
Facsimile: (704) 444-1111
Email: Scott.Stevens@alston.com
Email: Ross.Barton@alston.com
Email: Linda.Chang@alston.com
Email: Robert.Caison@alston.com
Email: Sam.Merritt@alston.com
Email: Ravi.Fernando@alston.com

Marsha E. Diedrich
(CA Bar No. 93709)
ALSTON & BIRD LLP
333 South Hope Street
16th Floor
Los Angeles, CA 90071
Telephone: (213) 576-1000
Facsimile: (213) 576-1100
Email: Marsha.Diedrich@alston.com
Thomas Davison
(FL Bar No. 55687)
ALSTON & BIRD LLP
The Atlantic Building
950 F Street, NW
Washington, DC 20004-1404
Telephone: (202) 239-3300
Facsimile: (202) 239-3333
Email: Tom.Davison@alston.com

Deron R. Dacus
Texas State Bar No. 790553
THE DACUS FIRM, P.C.
821 ESE Loop 323, Suite
430 Tyler, TX 75701
Telephone: (903) 705-1117
Facsimile: (903) 581-2543
Email: ddacus@dacusfirm.com

*Counsel for Intervenors Nokia Solutions
and Networks US LLC and Nokia Solutions
and Networks Oy.*

/s/ Jamie H. McDole
(by E. Glenn Thames, Jr., with permission)

Phillip B. Philbin
LEAD ATTORNEY
State Bar No. 15909020
Jamie H. McDole
State Bar No. 24082049
Charles M. Jones II
State Bar No. 24054941
Michael D. Karson
State Bar No. 24090198
Hamilton C. Simpson
State Bar No. 24083862
HAYNES AND BOONE, LLP
2323 Victory Avenue
Suite 700
Dallas, Texas 75219
Tel.: (214) 651-5000
Fax: (214) 651-5940
Email: phillip.philbin@haynesboone.com
jamie.mcdole@haynesboone.com
charlie.jones@haynesboone.com
michael.karson@haynesboone.com
hamilton.simpson@haynesboone.com

Counsel for Intervenors
Telefonaktiebolaget LM Ericsson and
Ericsson Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served via electronic mail on June 22, 2017 to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ E. Glenn Thames, Jr.
E. Glenn Thames, Jr.